



# Nevada State Board of Medical Examiners

## \* \* \* M I N U T E S \* \* \*

### OPEN SESSION BOARD MEETING

Conference Room at the Offices of the  
NEVADA STATE BOARD OF MEDICAL EXAMINERS  
1105 Terminal Way, Suite 301  
Reno, Nevada 89502

***FRIDAY, JUNE 1, 2001***  
***and***  
***SATURDAY, JUNE 2, 2001***

#### **FRIDAY, JUNE 1, 2001**

##### **MEMBERS PRESENT:**

Arne D. Rosencrantz, President  
Susan S. Buchwald, M.D., Vice President  
Paul A. Stewart, M.D., Secretary-Treasurer  
Dipak K. Desai, M.D.  
Jaculine C. Jones, Ed.D.  
Cheryl A. Hug-English, M.D. (arrived on Friday at

6:00pm)

Joel N. Lubritz, M.D.  
Donald H. Baepler, Ph.D., D.Sc.  
Robin L. Titus, M.D.

##### **STAFF PRESENT:**

Larry D. Lessly, J.D., Executive Director  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Robert A. Frantz, Financial Manager  
Bryce L. Rader, J.D., Investigator

##### **ALSO PRESENT:**

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney  
General

### AGENDA ITEM 1

#### Call to Order - Arne D. Rosencrantz, President

- Announcement of Appointment of Larry D. Lessly, J.D., Executive Director to the USMLE Committee on Irregular Behavior
- Announcement of Appointment of Donald H. Baepler, Ph.D., D.Sc., to the Program Committee of the Federation of State Medical Boards of the United States, Inc.

The meeting was called to order by Arne D. Rosencrantz, President, at 5:00 p.m.

#### **- Announcement of Appointment of Larry D. Lessly, J.D., Executive Director to the USMLE Committee on Irregular Behavior**

Mr. Rosencrantz announced the appointment and congratulated Mr. Lessly. Mr. Lessly informed members of the function of the USMLE Committee on Irregular Behavior.

#### **- Announcement of Appointment of Donald H. Baepler, Ph.D., D.Sc. to the Program Committee of the Federation of State Medical Boards of the United States, Inc.**

Mr. Rosencrantz announced the appointment and congratulated Dr. Baepler. Dr. Baepler informed members of the function of the Program Committee.

### AGENDA ITEM 2

#### Approval of Minutes

- March 2 & 3, 2001 Board Meeting - Open/Executive Sessions
- April 9, 2001 Telephone Conference Call Board Meeting - Open Session

Dr. Desai moved to accept the minutes of the March 2 & 3, 2001 Board Meeting - Open/Executive Sessions and April 9, 2001 Telephone Conference Call Board Meeting - Open Session. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

### AGENDA ITEM 3

#### Internal Affairs Committee Report

- Revised Staff Job Performance Evaluation Forms

Dr. Buchwald, Vice President and Chair of the Internal Affairs Committee, advised that the new staff job performance evaluation forms used for this year's evaluation of board staff were developed by the Internal Affairs Committee and the Executive Director, and approved for use by the Internal Affairs Committee.

**AGENDA ITEM 4**

**Personnel**

**Executive Session to Discuss Professional Competency of:**

- Staff
- Executive Director/Special Counsel
- General Counsel

Dr. Buchwald moved to go into Executive Session to discuss the professional competency of the staff, Executive Director/Special Counsel and General Counsel. Dr. Baepler seconded the motion, and it passed unanimously.

**Open Session to Set Salaries for Fiscal Year 2001-2002 for:**

- Staff
- Executive Director/Special Counsel
- General Counsel

Dr. Hug-English arrived at the meeting at 6:00 p.m.

Upon returning to Open Session, Dr. Buchwald moved to grant a 3% increase in compensation effective July 1, 2001 to Betty L. Tonner, License Specialist and Casey N. Jinks, Receptionist, and an 8% increase effective July 1, 2001 in compensation to all other board staff including the Executive Director/Special Counsel and the General Counsel, with the exception of Lynnette L. Nason, Administrative Assistant to the General Counsel and Bryce L. Rader, Investigator, whose compensation shall be evaluated at a later date when requested by the Executive Director/Special Counsel. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to pay a one-time bonus in the amount of \$5,000.00 to both the Executive Director/Special Counsel and the General Counsel in recognition of the extraordinary additional duties they performed during the recent session of the Nevada Legislature. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**RECESS**

Mr. Rosencrantz recessed the meeting for the evening at 6:15 p.m.

**SATURDAY, JUNE 2, 2001**

**MEMBERS PRESENT:**

Arne D. Rosencrantz, President  
Susan S. Buchwald, M.D., Vice President  
Paul A. Stewart, M.D., Secretary-Treasurer  
Dipak K. Desai, M.D. (left on Saturday at 9:50 a.m.)  
Jaculine C. Jones, Ed.D.  
Cheryl A. Hug-English, M.D.  
Joel N. Lubritz, M.D.  
Donald H. Baepler, Ph.D., D.Sc.  
Robin L. Titus, M.D.

**STAFF PRESENT:**

Larry D. Lessly, J.D., Executive Director  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Robert A. Frantz, Financial Manager  
Rebecca A. Gaul-Richard, Senior License Specialist  
Misty C. Dew, Administrative Assistant  
Casey N. Harley-Jinks, Receptionist

**ALSO PRESENT:**

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney  
General  
Nancy E. Munoz, P.A.-C, Physician Assistant Advisor

Arne D. Rosencrantz, President, reconvened the meeting at 8:45  
a.m.

**AGENDA ITEM 5**

**Consideration of Request by Kent E. Skogerson, M.D., to Eliminate the Board's  
Regulation Requiring Board Approval of Physician Assistant Supervising  
Physicians/Advanced Practitioner of Nursing Collaborating Physicians**

Mr. Lessly referred members to the letter from Kent E. Skogerson, M.D., in the agenda book and stated that Dr. Skogerson requests the board's consideration of eliminating the requirement for the application for approval and fee payment to act as a supervising physician of a physician assistant/advanced practitioner of nursing in the state of Nevada.

Dr. Buchwald stated her feeling that the current approval procedure works well to maintain the line of responsibility for patient care. Mr. Lessly agreed, adding that the approval process ensures the awareness of both the supervising physician and the physician assistant and/or advanced practitioner of nursing of their respective responsibilities in their

working relationship. Dr. Hug-English stated that the process provides a record for the board of which physician assistant and/or advanced practitioner of nursing a physician is responsible for. Mr. Lessly added that without the approval procedure, physician assistants and advanced practitioners of nursing would be bordering on acting as independent practitioners.

Dr. Baepler moved to deny Dr. Skogerson's request. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Ms. Munoz advised, for the record, that the Nevada Association of Physician Assistants had no involvement in and was unaware of the request made by Dr. Skogerson.

Dr. Baepler suggested that a subcommittee be formed to study the board's current policy/laws/procedures/duties/requirements of supervising/collaborating physicians to see whether they may need to be more defined/enforceable/productive.

After some discussion, Dr. Stewart moved to form a subcommittee, made up of the board's Physician Assistant Advisory Committee members and Dr. Titus, to study the board's current supervising/collaborating physician policy and then come back to the board with a report and recommendation for any changes. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 6

#### Acceptance of Applications for Licensure - Appearances

#### **Open Session**

##### 6 (a) Saba Alim, M.D.

Dr. Titus questioned Saba Alim, M.D., who appeared before the board to respond to questions concerning her application for limited licensure to repeat her PGY-1 year of training.

Dr. Alim appeared with Edward G. Groenhout, M.D., Internal Medicine Residency Director, University of Nevada School of Medicine, and explained the circumstances surrounding her unsatisfactory performance in her PGY-1 year of Internal Medicine training taken at the University of Nevada School of Medicine last year. Dr. Groenhout stated that he supports Dr. Alim's application to repeat her PGY-1 year, as he feels that her current situation is such that she will be successful in passage of the repeat training.

Dr. Desai moved to accept Saba Alim, M.D.'s application for limited licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Stewart, and it passed unanimously.

Dr. Desai left the meeting at 9:50 a.m. due to illness of a family member.

### **Executive Session**

#### **6 (b) Robert Chancellor, M.D.**

Upon returning to Open Session, Dr. Stewart moved to deny Robert Chancellor, M.D.'s application for licensure based on NRS 630.358(3), NRS 630.358(4) and NRS 630.200. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Rosencrantz directed Mrs. Bible to prepare a board order stating the reasons for the denial of Dr. Chancellor's application for licensure.

Dr. Stewart advised Dr. Chancellor that the opinion of the board is that he is not in full recovery and therefore not capable of the safe practice of medicine. Dr. Baepler advised Dr. Chancellor that the board feels he does not recognize the seriousness of the circumstances of the loss of his license and is still psychologically in a state of denial. Dr. Titus expressed her concern to Dr. Chancellor that he has not practiced Otolaryngological Surgery since 1998 and has no evidence to show that his skills are safe to do so.

Dr. Titus moved to return to Executive Session for the same purposes stated before. Dr. Buchwald seconded the motion, and it passed unanimously.

#### **6 (c) Valerie Chang, P.A.-C**

Upon returning to Open Session, Dr. Buchwald moved to accept Valerie Chang, P.A.-C's application for licensure. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

#### **6 (d) Thomas Kim, M.D.**

Upon returning to Open Session, Dr. Hug-English moved to accept Thomas Kim, M.D.'s application for limited licensure. Dr. Buchwald seconded the motion, and it passed, with Dr. Lubritz and the Chair opposing the motion.

Dr. Buchwald moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

6 (e) Shawn Larson, M.D.

Upon returning to Open Session, Dr. Buchwald moved to table the agenda item until after lunch. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

The meeting recessed for lunch at 12:50 p.m.

Mr. Rosencrantz reconvened the meeting at 1:30 p.m.

AGENDA ITEM 14

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Committee Representative
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:  
Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer  
Robert A. Frantz, Financial Manager
- *Budget for Fiscal Year 2001-2002 re: AB 569 Passage*
- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Arne D. Rosencrantz, President

**- Physician Assistant Advisory Committee - Committee Representative**

Ms. Munoz advised that the physician assistants' bill, adding physician assistants to the listing of practitioners from which nurses take orders, was approved by Governor Guinn and will become effective on October 1, 2001.

**- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:**

**Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.**

Dr. Baepler reported that he and Mr. Rosencrantz met with the SPEX committee at the Federation of State Medical Boards of the United States, Inc.'s annual meeting in Atlanta and discussed the idea of creating a specialty specific SPEX for use in evaluating continuing competency. He added that he plans to attend the SPEX committee's next meeting to be held in Las Vegas in July, at which Nevada will be considered as the state where a trial specialty specific SPEX would be administered.

**- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation**

Ms. Bowers distributed and reviewed for members the Diversion Program Statistics as of May 25, 2001. She advised that as reported at the annual meeting she attended of the State Federation of Physician Health Programs, Nevada is the most progressive state in the treatment of disruptive physicians.

**- Investigative Committee - Paul A. Stewart, M.D., Chairperson**

Dr. Stewart reported that at its meeting yesterday, June 1, 2001, the Investigative Committee filed formal complaints against six licensees, there were five appearances before the committee, and that the committee recommends the closure of 155 cases involving 170 licensees. He distributed the cases recommended for closure by the Investigative Committee for members' review and consideration for closure.

Dr. Stewart advised that there was some discussion at the Investigative Committee meeting yesterday regarding gradation of sanctions, particularly when a case does not require formal action, but could benefit from some sort of informal action by the committee. Mr. Lessly advised that there is no private way in which the committee can legally act upon a case. Any actions taken must be public. He stated that the current procedure of licensee appearance before the committee to discuss a case is a way in which the committee can "warn" a licensee.

Dr. Baepler directed staff to research the gradation of sanctions used by other state medical licensing boards and come back to the board with a report for consideration.

**AGENDA ITEM 6 (CONTINUED)**

**Acceptance of Applications for Licensure - Appearances**

Dr. Hug-English moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Buchwald, and it passed unanimously.

**Executive Session**

**6 (e) Shawn Larson, M.D. (CONTINUED)**

Upon returning to Open Session, Shawn Larson, M.D. requested to withdraw his application for limited licensure.

Dr. Lubritz moved to accept Shawn Larson, M.D.'s request to withdraw his application for limited licensure. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.



Dr. Buchwald moved to return to Executive Session for the same purposes stated before. Dr. Hug-English seconded the motion, and it passed unanimously.

6 (f) Michael Propst, M.D.

Upon returning to Open Session, Dr. Hug-English moved to accept Michael Propst, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English moved to return to Executive Session for the same purposes stated before. Dr. Stewart seconded the motion, and it passed unanimously.

6 (g) Kori Singleton, M.D.

Upon returning to Open Session, Dr. Baepler moved to accept Kori Singleton, M.D.'s application for limited licensure. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

6 (h) Christine Wildeman, M.D.

Upon returning to Open Session, Dr. Baepler moved to accept Christine Wildeman, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

6 (i) Joseph Wilson, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Joseph Wilson, M.D.'s application for locum tenens licensure and that this appearance satisfies the board's concern about his affirmative answer to question #12 on his application for licensure. Dr. Baepler seconded the motion, and it passed, with the Chair voting in favor of the motion.

AGENDA ITEM 7

Acceptance of Applications for Licensure - Non-Appearances

7 (j) Scott Boyden, D.D.S., M.D.

Scott Boyden, D.D.S., M.D. chose to appear before the board to answer questions regarding his application for licensure. He explained that there currently is no

ACGME approved Oral and Maxillofacial Surgery training in existence and spoke on the quality of the two years of American Dental Association approved Oral and Maxillofacial Surgery training he received at the University of Rochester Strong Memorial Hospital.

Dr. Hug-English moved to accept Scott Boyden, D.D.S., M.D.'s non-ACGME approved Oral and Maxillofacial Surgery training and his application for licensure. Dr. Stewart seconded the motion, and it passed, with Dr. Lubritz opposing the motion, and the Chair voting in favor of the motion.

7 (k) Ashoo Khanuja, D.D.S., M.D.  
7 (l) Daniel Muff, D.D.S., M.D.

After some discussion, Dr. Baepler moved to approve the non-ACGME approved training and applications for licensure of Ashoo Khanuja, D.D.S., M.D. and Daniel Muff, D.D.S., M.D. Dr. Hug-English seconded the motion, and it passed, with Dr. Lubritz abstaining from the vote, and the Chair voting in favor of the motion.

AGENDA ITEM 8

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 2 & 3, 2001 Board Meeting

Dr. Stewart moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the March 2 & 3, 2001 board meeting. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 9

Consideration of Acceptance of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Philip G. Wagman, M.D., Case No. 00-11609-1

**Adjudicating Board Members:** Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Dipak K. Desai, M.D.; Jacqueline C. Jones, Ed.D.; Cheryl A. Hug-English, M.D.; and Joel N. Lubritz, M.D.

Mr. Rosencrantz confirmed that all adjudicating members were present and prepared to consider acceptance of the Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Philip G. Wagman, M.D., Case No. 00-11609-1, except Dipak K. Desai, M.D., who left the meeting at 9:50 a.m.

Mr. Legarza reviewed for members the points of the Complaint and proposed Stipulation for Settlement in the matter. He advised that he and the Investigative Committee recommend the board's acceptance of the proposed Stipulation for Settlement.

Dr. Buchwald moved to accept the Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Philip G. Wagman, M.D., Case No. 00-11609-1. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 10**

**Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Gary F. Roberts, M.D., Case No. 00-8288-1**

**Adjudicating Board Members:** Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Dipak K. Desai, M.D.; Jaculine C. Jones, Ed.D.; Cheryl A. Hug-English, M.D.; and Joel N. Lubritz, M.D.

Mr. Rosencrantz confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Gary F. Roberts, M.D., Case No. 00-8288-1, except Dipak K. Desai, M.D., who left the meeting at 9:50 a.m.

Dr. Buchwald moved to go into Executive Session to deliberate on the single count of the Complaint. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Buchwald moved to find Gary F. Roberts, M.D. guilty of the single count of the Complaint, a violation of NRS 630.304(1), engaging in the act of renewing a license to practice medicine in the state of Nevada by misrepresentation, or false, misleading, or inaccurate statement. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The adjudicating members deliberated on the possible sanctions which would be appropriate in this matter.

Dr. Buchwald moved to revoke the license to practice medicine in the state of Nevada of Gary F. Roberts, M.D., issue him a public reprimand and order him to pay all costs associated with the investigation and prosecution of the case against him. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 11**

**Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Jeffrey Stein, M.D., Case No. 00-12784-1**

**Adjudicating Board Members:** Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Dipak K. Desai, M.D.; Jaculine C. Jones, Ed.D.; Cheryl A. Hug-English, M.D.; and Joel N. Lubritz, M.D.

Mr. Rosencrantz confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Jeffrey Stein, M.D., Case No. 00-12784-1, except Dipak K. Desai, M.D., who left the meeting at 9:50 a.m.

Dr. Buchwald moved to go into Executive Session to deliberate on the two counts of the Complaint. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Buchwald moved to find Jeffrey Stein, M.D. guilty of the first count of the Complaint, a violation of NRS 630.304(1), engaging in the act of renewing a license to practice medicine in the state of Nevada by misrepresentation, or false, misleading, or inaccurate statement. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to find Jeffrey Stein, M.D. guilty of the second count of the Complaint, a violation of NRS 630.306(2)(a), engaging in conduct intended to deceive. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The adjudicating members deliberated on the possible sanctions which would be appropriate in this matter.

Dr. Buchwald moved to revoke the license to practice medicine in the state of Nevada of Jeffrey Stein, M.D., issue him a public reprimand and order him to pay all costs associated with the investigation and prosecution of the case against him. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 1

Consideration of Request by Nevada State Board of Cosmetology to Address Board Re: Scope of Practice of Nevada State Board of Cosmetology Licensees  
- Deborah Armstrong, Member, Nevada State Board of Cosmetology

Deborah Armstrong, member, and Kay Collins, Chairperson, of the Nevada State Board of Cosmetology appeared to address the board regarding the use of skin care treatment equipment by cosmetologists. Ms. Armstrong advised that their board has received complaints from physicians who have had to treat persons who have become injured by cosmetologists using the equipment for procedures such as face peels, sclerotherapy, collagen injections and microdermabrasion. She stated that the Nevada State Board of Cosmetology's concern is that cosmetologists may be engaging in the practice of medicine, or, at least, require special training and/or physician supervision to be able to safely and competently perform these procedures. She asked the board for advice on how they should proceed with this matter.

Mr. Lessly advised that the Nevada Medical Practice Act is broad and does not specify which particular procedures are considered to be the practice of medicine. He suggested that the Deputy Attorney General appointed to the Nevada State Board of Cosmetology should be able to interpret the law for them.

Dr. Hug-English and Dr. Titus suggested that the Nevada State Board of Cosmetology consider drafting regulation requiring supervision by a licensed physician of such procedures performed by licensed cosmetologists.

Dr. Buchwald and Mr. Rosencrantz suggested that the Nevada State Board of Cosmetology form a task force, consisting of physicians who regularly perform such procedures in their practice and cosmetologists, to study the matter.

Ms. Armstrong thanked the board for the board's advice and stated that she would keep the board informed of any progress the Nevada State Board of Cosmetology may make in this matter.

#### AGENDA ITEM 12

##### Consideration of Amendment to NAC Chapter 630 to Allow Board Members to Receive CME Credit for Board Work

Mr. Lessly stated that at the March board meeting, Dr. Lubritz had requested that this item be placed on the board's June meeting agenda for discussion and consideration. He advised that to accomplish Dr. Lubritz's request, since work as a board member cannot be approved by the AMA as Category I CME, the board would need to amend its current regulation regarding CME requirements to allow board members to be exempt from the requirement to complete CME.

After some discussion, Dr. Lubritz withdrew his request for the board to consider this matter.

#### AGENDA ITEM 13

##### Consideration of Respiratory Therapists Licensing Matter

- Regulations (including discipline and Advisory Committee)
- Appointment of Interim Advisory Committee
- Fees
- Set Licensure Date
- Hiring of Additional License Specialist

Mr. Lessly advised that effective May 24, 2001, the board is legally allowed to adopt regulations pertaining to the licensing and disciplining of practitioners of respiratory care. He added that all practitioners of respiratory care working in Nevada must be licensed by the board on January 1, 2002, or cease practice as practitioners of respiratory care in Nevada on that date.

Mr. Lessly referred members to the distributed copies of the letter from Michael J. Garcia, R.R.T., President, Nevada Society for Respiratory Care, requesting appointment of himself, Donald W. Wright, R.R.T. and Steven E. Kessinger, C.R.T.T. to the interim Practitioner of Respiratory Care Advisory Committee to the Board. He advised that board staff will soon be meeting with the interim advisory committee to draft regulations pertaining to the licensing and disciplining of practitioners of respiratory care for board consideration. He stated that a telephone conference call board meeting will need to be scheduled for some time in mid-August for the board to consider approving the drafted

regulations for public workshops to be held in September in northern and southern Nevada. Following the workshops, another telephone conference call board meeting will need to be scheduled for consideration of adoption of the regulations by the board.

Mr. Lessly advised that board staff recommends an application fee of \$100.00 and a biennial registration fee of \$200.00 be approved by the board for licensure and registration of practitioners of respiratory care, respectively. He recommended that biennial registration of practitioners of respiratory care be conducted at a different time from that of other board licensees, to ease the administrative burden. He suggested that the first biennial registration period commence on January 1, 2002 and run through February 28, 2004, for a period of 26 months, so that registration does not occur during the holidays, and on a biennial time period thereafter of March 1<sup>st</sup> of each even-numbered year through February 28<sup>th</sup> of the following even-numbered year be set.

Mr. Lessly requested the board's approval to add a fourth License Specialist to the Licensing Department, to help with the additional work that will be involved with the licensing of practitioners of respiratory care. He advised that he would move Elizabeth J. Pawlikowski from the Investigative Department to the Licensing Department to accomplish this addition.

Dr. Stewart moved to approve:

- 1) ... the appointment of Michael J. Garcia, R.R.T., Donald W. Wright, R.R.T. and Steven E. Kessinger, C.R.T.T., to the interim Practitioner of Respiratory Care Advisory Committee to the Board;
- 2) ... the drafting of regulations pertaining to the licensing and disciplining of practitioners of respiratory care by the members of the interim Practitioner of Respiratory Care Advisory Committee to the Board and board staff, for board consideration and approval for hearing in public workshops to be held in September in northern and southern Nevada;
- 3) ... the application fee of \$100.00 and biennial registration fee of \$200.00 for practitioners of respiratory care, as recommended by Mr. Lessly and board staff; and
- 4) ... the addition to board staff of another license specialist position. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 14 (CONTINUED)

##### Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Committee Representative
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members: Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer  
Robert A. Frantz, Financial Manager
- *Budget for Fiscal Year 2001-2002 re: AB 569 Passage*
- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Arne D. Rosencrantz, President

**- Investigative Committee - Paul A. Stewart, M.D., Chairperson (CONTINUED)**

Dr. Buchwald moved to close the cases recommended for closure by the Investigative Committee. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer  
Robert A. Frantz, Financial Manager  
- Budget for Fiscal Year 2001-2002 re: AB 569 Passage**

Mr. Frantz distributed the board's *Profit & Loss Budget vs. Actual for July 2000 through June 2001* and *Balance Sheet as of June 2, 2001*, and reviewed them for the board.

Mr. Lessly reminded members that with the passage of AB 569, the board is no longer required to submit its budget to the state for approval; however, the budget for fiscal year 2001-2002, which was previously approved by the board for submission to the state, now requires approval for internal administration.

Dr. Baepler moved to approve the board's budget for fiscal year 2001-2002 for internal administration. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Arne D. Rosencrantz, President**

Mr. Rosencrantz reported that the Federation of State Medical Boards of the United States, Inc.'s Annual Meeting held in Atlanta in April was well attended by board members and staff, and was an excellent meeting especially due to Dr. Stewart's and Dr. Baepler's presentations.

**AGENDA ITEM 15**

**Legal Reports** - Richard J. Legarza, J.D., General Counsel  
- Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status

**- Board Ordered Terms, Conditions and Probation Status**

Mr. Legarza reported that all licensees currently on disciplinary probation with the board are in compliance.

Mr. Legarza advised that the board's motion to dismiss the petition for judicial review in District Court of Nir Y. Lorant, M.D.'s appeal of the board's action against him was granted, and the time allowed for an appeal of the matter by Dr. Lorant to the Supreme Court has expired. He also advised that, on behalf of the board, he had filed Motions to Dismiss the Petition for Judicial Review filed by Pano Concha, M.D. and William O. Murray, M.D., respectively, of the board's actions taken against them, and that both the motions are awaiting District Court decision.

Mr. Legarza spoke on the recent media attention the board has received concerning Gilles DesMarais, M.D., a licensee of the board, and Harriston L. Bass, Jr., M.D. and James D. Potter, M.D., board licensees against which the board has taken disciplinary action. Dr. Titus requested that board members be advised immediately of any media attention the board may receive in the future.

Mrs. Bible reported that the Petition for Writ of Certiorari filed in the U.S. Supreme Court by Harriston Lee Bass, Jr., M.D. was denied and Dr. Bass has exhausted every avenue of appeal of the disciplinary action taken against him by the board.

#### AGENDA ITEM 18

##### Consideration of Request by John D. Swanson, IV, M.D. for Interpretation of NAC 630.080

Mr. Lessly referred members to John D. Swanson, IV, M.D.'s letter in the agenda book and advised that Dr. Swanson is requesting that the board consider waiving its regulation requiring that applicants for licensure take and pass all parts of the USMLE within seven years, by allowing him to re-take USMLE step 1, so that he will have taken USMLE steps 2 and 3 and then re-taken USMLE step 1 within the seven year period.

Dr. Baepler moved to deny John D. Swanson, IV, M.D.'s request. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 16

##### Executive Director's Report - Larry D. Lessly, J.D., Executive Director

- Maureen E. Lyons, Deputy Executive Director
- Consideration of Request for Staff Attendance at Educational Meetings
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for July 1 through September 30, 2001
- Board Office Space Update
- Legislative Update
- Update on Enhancements to Board's Web Site [www.state.nv.us/medical/](http://www.state.nv.us/medical/) (Profiling)
- Informational Items



**- Consideration of Request for Staff Attendance at Educational Meetings**

Mr. Lessly requested board staff attendance at the 2001 Annual Clear Meeting, and the Federation of State Medical Boards of the United States, Inc.'s Investigator Workshop, Executive Management Training Session and Regional Workshop.

Dr. Lubritz moved to approve staff attendance at the educational meetings as requested by Mr. Lessly. Dr. Titus seconded the motion, and it passed, with the Chair voting in favor of the motion.

**- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for July 1 through September 30, 2001**

Dr. Baepler moved to continue the board's contract with Nevada Broadcaster's Association for the period July 1 through September 30, 2001, at a cost of \$5,000.00 per month. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Board Office Space Update**

Mr. Lessly reported that the Licensing Department has completed its move to the second floor.

**- Legislative Update**

Mr. Lessly reported that on July 1, 2001, all retired status licensees will be converted to inactive status, as retired status licensure was eliminated by the Legislature this past session.

**- Informational Items**

Mr. Lessly advised that board staff will perform a mass mailing of the new NRS/NAC Chapter 630 booklets to all board licensees once they are printed in October 2001.

Mr. Lessly advised that Dr. Stewart and Dr. Titus have received the honor of being asked by the Federation of State Medical Boards of the United States, Inc. and the Colorado Personalized Education for Physicians Institute to visit the institute in Denver for an overview of the facility and program.

Mr. Lessly advised that approximately half of the board's licensees have renewed their licensure registration. He added that the final notice for renewal of biennial registration will be mailed to all those licensees who have not yet renewed next week.

**- Update on Enhancements to Board's Web Site [www.state.nv.us/medical/](http://www.state.nv.us/medical/) (Profiling)**

Mrs. Lyons stated that at the March 2001 board meeting, the board reviewed a proposal from System Automation Corporation for custom programming of a verification active server page application to be hosted on the board's Web site, which application would allow board licensee look-up via the Internet. She reminded that after some discussion, the board voted that the information to be provided on it's licensees via the verification active server page should be different from what was listed in the proposal and should instead include the licensee's name, address, telephone number, and primary scope of practice, the status and issue date of the licensee's license, and any formal disciplinary actions which the board may have taken against the license of the licensee.

Mrs. Lyons distributed and reviewed for board members the revised proposal from System Automation Corporation.

Dr. Hug-English moved to approve the revised proposal from System Automation Corporation. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 19**  
**Election of Officers**

Mr. Rosencrantz asked for nominations for the office of President.

Dr. Stewart nominated Dr. Hug-English for the office of President. Dr. Baepler seconded the motion.

Dr. Buchwald moved to close nominations for the office of President. Dr. Stewart seconded the motion, and it passed unanimously

There being no other nominations, Dr. Hug-English was elected President by acclamation.

Mr. Rosencrantz called for nominations for the office of Vice President.

Dr. Titus nominated Dr. Jones for the office of Vice President. Dr. Lubritz seconded the motion.

Dr. Baepler moved to close nominations for the office of Vice President. Dr. Hug-English seconded the motion, and it passed unanimously

There being no other nominations, Dr. Jones was elected Vice President by acclamation.

Mr. Rosencrantz called for nominations for the office of Secretary-Treasurer.

Dr. Baepler nominated Dr. Lubritz for the office of Secretary-Treasurer. Dr. Stewart seconded the motion.

Dr. Jones moved to close nominations for the office of Secretary-Treasurer. Dr. Buchwald seconded the motion, and it passed unanimously

There being no other nominations, Dr. Lubritz was elected Secretary-Treasurer by acclamation.

#### AGENDA ITEM 20

##### Appointment of Members to the Investigative and Internal Affairs Committees, and Committee to Study Post-Licensure Continuing Competency Evaluation

Dr. Hug-English made the following committee appointments:

##### **Investigative Committee:**

Dr. Lubritz, Chair  
Dr. Baepler, Member  
Dr. Titus, Member

##### **Internal Affairs Committee:**

*(a third member to be appointed at  
the September 2001 board meeting)*  
Dr. Jones, Chair  
Dr. Lubritz, Member

##### **Committee to Study Post-Licensure Continuing Competency Evaluation:**

*(to remain as is until the September 2001 board meeting)*

Mr. Rosencrantz  
Dr. Buchwald  
Dr. Baepler

#### AGENDA ITEM 21

##### Matters for Future Agenda

Dr. Lubritz requested that Weldon Havins, M.D. be placed on the September 2001 board meeting agenda to address the board on several items of concern of the Nevada State Medical Association.

Dr. Titus stated that she would be unable to attend the September 2001 board meeting and asked if the Investigative Committee could hold its meeting sometime in August, so that she would be able to attend.

AGENDA ITEM 22  
Public Comment

Lawrence P. Matheis, Executive Director, Nevada State Medical Association commented that at the association's recent annual meeting, two resolutions were passed that may be of interest to the board:

- 1) The association requests that all proposed regulations of the Nevada State Board of Medical Examiners be printed in the board's newsletter; and
- 2) The association will be "revisiting" the pain management regulations under NAC chapter 630.

ADJOURNMENT

Mr. Rosencrantz adjourned the meeting at 4:35 p.m.